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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,685	09/28/2001	Shawn Dominic Loveland	13768.233	5018

47973 7590 05/27/2005

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EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 05/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,685

Applicant(s)

LOVELAND ET AL.

Examiner

Wen-Tai Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2005.
2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-30 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-13 and 16-30 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5-21.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-13 and 16-30 are presented for examination. Claims 14-15 are canceled and claims 29-30 are newly added.
2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 103

3. Claims 1-12, 16-18, 20-23 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia [U.S. PGPub 20030023690].
4. Lohtia was cited in the previous office action.
5. As to claim 1, Lohtia teaches the invention as claimed including: a notification mechanism configured to dispatch notifications over a network to designated devices in response to detected events, a method for the notification mechanism notifying a user of an event in a context sensitive manner, the method comprising the following:

an act of detecting an event which requires a notification be dispatched to the user at a designated device [311, Fig.3B];

upon identifying the designated device to dispatch the notification to and upon detecting the event, accessing a current context of the user corresponding to a user status at the designated device [312, 317, Fig. 3B; i.e., use the “acknowledgement being received within timeout period” as a current context of the user to determine whether the user is currently available at the designated device or not]; and

an act of causing the notification to be dispatched to the user using the identified notification method [Figs. 3A-3B; paragraphs 4-5].

Lohtia does not specifically teach that there are a plurality of possible notification methods to use in order to dispatch the notification to the designated device, based on the current context of the user. However, it is well known in the art that when a called party's receiving device is in “busy” status, an alternative method would be leaving a message in the device's associated message storage.

It would have been obvious to one of ordinary skill in the art to add this nominal approach to Lohtia's system because: (1) Lohtia's system does try to locate the called party in accordance with the profile through a registration server; (2) Lohtia's system is able to tell whether the called party is “available” at the designated device or not; and (3) it would save Lohtia's system from trying all the other possible devices in order to reach the called party.

6. As to claim 2, Lohtia further teaches that the method comprising an act of supporting a plurality of response actions that may be desired in response to the

notification [e.g., paragraphs 15-16; i.e., that responses inherently vary with the devices receiving the notifications].

7. As to claims 3-4, Lohtia further teaches that the method comprising the following an act of receiving a user-selection of at least one of the response actions, wherein the user-selection being issued by the user in the same manner as the user received the notification [paragraph 12; i.e., one of the responses is receiving acknowledgement from the registered devices, or inherently a user may choose to response to the message sender online when he is present with the device receiving the message].

8. As to claims 5, 7-8 and 11-12, Lohtia further teaches that the plurality of possible notification methods include at least a voice notification method and a visual notification method, wherein the act of identifying one of the plurality of possible notification methods comprises an act of identifying the visual notification method based on the current context of the user, and the visual notification method includes a text notification method [e.g., paragraph 16].

9. As to claim 6, Lohtia further teaches that the act of identifying one of the plurality of possible notification methods comprises an act of identifying the voice notification method based on the current context of the user [paragraph 16].

10. As to claims 9-10, Lohtia further teaches that the text notification method includes a notification method that uses text messages of limited size [e.g., SMS messages are size limited].

11. As to claims 21-22, Lohtia teaches the invention as claimed including: a notification mechanism configured to dispatch notifications over a network to designated devices in response to detected events, a method for the notification mechanism notifying a user of a conditional event in an audible manner, the method comprising the following:

an act of detecting a conditional event which requires a notification be dispatched to the user; and an act of causing an audible notification to be dispatched to the user using a telephone network [e.g., paragraph 19], wherein a notification (in text form) may be provided to the user at the POTS telephone via synthesized speech.

12. As to claims 16-18, 20, 23 and 26-30, since the features of these claims can also be found in claims 1-12 and 21-22, they are rejected for the same reasons set forth in the rejection of claims 1-12 and 21-22 above.

13. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia [U.S. PGPub 20030023690], as applied to claims 1-12, 14-18, 20-23 and 26-28 above, further in view of Shteyn [U.S. PGPub 20030058096].

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14. As to claims 13 and 19, Lohtia further teaches that the notification method including using the current context of the user is recorded in a profile [e.g., paragraph 4 and 18; i.e., based on the conditions set in the profile]. Lohtia does not specifically teach that the profile includes rules for deriving the notification method.

However, in the same field of endeavor, Shteyn teaches that the profile may include rules and criteria that are based on the status of multiple network-enabled devices [Shteyn: paragraph 20 and claim 18]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate rules in Lohtia's profile because rule-based decision-making process is popularly used and proven to be flexible in dealing with complicated situations.

15. Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lohtia [U.S. PGPub 20030023690], as applied to claims 1-23 and 26-28 above, further in view of Chow et al. (hereafter "Chow") [U.S. PGPub 0020002678].

16. As to claims 24-25, Lohtia teaches that authenticating a cellular phone user [paragraph 16]. Lohtia does not specifically teach that the telephone services include a voice print authentication service for authenticating the user as the intended recipient of the notification based on the voice print.

However, voice print authentication method is well known and can be found in prior art such as Chow at paragraph 93.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to authenticate a message recipient with voice print because it is convenient and effective for telephone users.

17. Applicant's arguments with respect to claims 1-13 and 16-28 on 3/30/2005 have been considered but are moot in view of the new ground(s) of rejection.

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquiries draft communication.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

May 19, 2005

Wen-Tai Lin
5/19/05